IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	
Robert L. Lundak	Examiner: J. Tarcza
Serial No. 247,656	Art Unit: 172
Filed: March 26, 1981	
For: HIGH FUSION FREQUENCY FUSIBLE LYMPHOBLASTOID CELL LINE	PETITION UNDER 37 CFR §1.102

San Francisco, CA 94105

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

Applicant petitions the Honorable Commissioner to make the subject application special. The subject application is on appeal and an appeal brief was filed in timely fashion on September 14, 1983. The sole issue in the application is whether a deposit of a cell line subsequent to the submission of the application at the Patent Office fulfills the requirements of Title 35 USC 112, paragraph 1. This issue is an extremely important one, in view of the large number of deposits which must be made in the field of recombinant DNA technology, the substantial costs involved and the problems involved with ensuring timely deposit of the cell line. Therefore, if this appeal is the first appeal concerning the Argoudelis requirements as provided for under M.P.E.P. 608.01(b), it is a matter of great moment to permit the USPTO to provide additional guidance concerning what, if any, mandatory requirements there are involving the deposit of cell lines. Furthermore, applicant's attorney has a number of other applications

which involve similar or analogous facts, where deposit was made subsequent to the submission of the application to the USPTO.

Making the subject application special will therefore serve as a great benefit to the public, in allowing for early clarification of the requirements for deposit, and serve substantial financial benefit to attorney's clients, in avoiding repetitious appeals on the same issue. Applicant's attorney authorizes any decision in this application to be made public, so as to allow for the earliest dissemination of the ruling by the Honorable Board of Appeals.

Respectfully submitted,

TOWNSEND and TOWNSEND

Date _9/21/83_

By _Bertram Rowland_
Bertram I. Rowland
Reg. No. 20,015

BIR/gs